

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Hillside Development Policy

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Purpose

The purpose of this policy to to minimize the effects of disturbing natural terrain and provide for creative design for Hillside Developments. The policy provides guidelines to assist the Board of Supervisors, the Planning Commission, the Planning and Environmental Review Board, the Director of Planning and Land Use, and staff in the evaluation of hillside development in San Diego County. It is intended that this policy serve as a guideline and supplement to any other applicable regulations, including the Resource Protection Ordinance. It is also intended that this policy provide advance notice of what may be required when reviewing development proposals in hillside areas.

Background

It has been recognized for some time that proposed hillside development must be given a special type of analysis and review. Section 66474 of the Government Code (Subdivision Map Act) requires that the Board of Supervisors disapprove any final or tentative subdivision map if it finds "...that the site is not physically suitable for the proposed density of development." The Resource Protection Ordinance provides specific standards and criteria for the amount of steep slope lands that may be disturbed, while the Hillside Development Policy provides flexible guidelines for reducing the negative effects of such disturbance. The Board of Supervisors has concluded that a policy stating only generalized guidelines is the best approach for minimizing the effects of disturbing the natural terrain.

Policy

It is the policy of the County of San Diego that:

Development of building sites in hillside areas be planned and constructed in such a manner as to preserve, enhance or improve the physical features of the area consistent with providing building sites while at the same time optimizing the aesthetic quality of the final product.

The design process set forth below shall be used as a guide to achieve the best possible hillside development. The guidelines set forth in this policy are purposely expressed in general terms to allow for flexibility in their application. It is recognized that at times difficulties may be encountered in interpreting some of these guidelines, but it is anticipated that appropriate decisions will be reached by the persons involved in the overall spirit and intent of this policy is respected. This policy is not intended to inhibit or restrict development, but rather to result in the best potential use of any site.

This policy shall not apply to projects for which development applications have been filed, and fees paid, to the Department of Health Services or the Department of Planning and Land Use prior to the effective date of this policy. Where applicants are required to file first with the Department of Health Services, the applicant shall submit his full application to the Department of Planning and Land Use within 1 year of the date the application was first filed with the Department of Health Services.

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1. All hillside subdivisions should be designed to minimize the permanent impact upon site resources. The resources include but are not limited to existing natural terrain, established vegetation, visually significant geologic displays and portions of a site which have significant public or multiple-use value. This may be achieved by:
 - a. Planning the grading and design of hillside developments to complement natural landforms.
 - b. Encouraging variety in the development of hillsides through site preparation techniques; grading techniques; configuration, size and placement of lots; and protection of the public use of on-site vista points.
 - c. Protecting and conserving physiographic features of public significance.
 - d. Encouraging preservation of bluffs which by their location, relative scale and configuration would be significant features of the development.
 - e. Planning of hillside developments to minimize potential soil, geological and drainage problems.
 - f. Encouraging street designs, consistent with the public's safety, which diminish conflicts with the natural topography.
 - g. Maximizing visual quality and minimizing erosion potential through the use of existing native plant communities and by planting native and naturalized plants especially in disturbed areas adjacent to ungraded hillsides and water courses. (It is recognized that native or naturalized plants may not be appropriate on graded slopes under 12 feet in vertical elevation which are generally adjacent to a building pad. Also, the bottom 12 feet of higher slopes visible from building pads or major through streets may not be appropriate for native or naturalized plants.)
 - h. Encouraging the use of smaller or split-level building pads on steeper road grades in order to minimize total grading.
 - i. Encouraging the use of graded slopes which may be steeper than existing site topography when the steeper slopes increased the preservation of undisturbed natural areas.
 - j. Encouraging the use of limited open-space easements on contiguous lots in undisturbed areas, excluding building areas, and active uses areas, when such areas are highly visible and significantly large.

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- k. Waiving any requirement for irrigation systems in native and naturalized planting areas when it can be demonstrated that vegetative cover can be re-established without it, and that no significant surface erosion will result during the re-establishment period.
 - l. Encouraging the use of mechanical erosion control methods such as slope serrations, punched straw and contour plowing which will allow revegetation of disturbed areas without irrigation systems.
 - m. Encouraging the use of woody shrubs and trees for conventionally irrigated slopes and the arrangement and quantity of these plants so as to ultimately soften and vary the texture of these slopes.
 - n. Encouraging the use of street tree plantings in the front yard setback to soften the view of the buildings, except where trees may inhibit significant views from the site.
 - o. Encouraging the arrangement of building site to optimize the views from the site.
 - p. Designing the developments so that some of the watercourses can be preserved in a natural riparian conditions with minimal channel erosion.
 - q. Encouraging site design to provide solar access.
2. Definitions. The following definitions shall be applicable to these guidelines:
- a. "Hillside Subdivision" means a major or minor subdivision where any of the lots being created are less than 40 acres or less than one quarter of a quarter section for which a slope analysis shows:
 - 1. Twenty-five (25) percent or more of the land's surface has a slope of twenty-five (25) percent or greater; and,
 - 2. A height differential of 50 feet or more within any area having a slope of twenty-five (25) percent or greater.

Also, for the purposes of this policy, any major or minor subdivision exceeding 400 acres in size and any of the lots being created are less than 40 acres or less than one-quarter of a quarter section, shall be considered a hillside subdivision when:

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1. It contains 100 or more acres (not necessarily contiguous) with slopes of twenty-five (25) percent or greater; and
 2. A height differential of 50 feet or more within any area having a slope of twenty-five (25) percent or greater.
- b. "On-site Vista Point" means an area of high ground within the development from where there is a good view of surrounding areas.
- c. "Slope Analysis" means an analysis completed by a qualified person such as a registered or licensed architect, landscape architect, engineering geologist, land surveyor, or civil engineer based upon a topographic map with contour intervals not exceeding ten (10) feet. The slope analysis should show the following slope categories for the entire property in acres:
- 0-15% slope
Above 15-50% slope
Above 25-50% slope
Above 50% slope
- d. "Watercourse" means any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course either continuously or intermittently, and which has a definite channel, bed, and banks; or any area adjacent thereto designated as subject to inundation by reason of overflow or flood water as designated and delineated on those certain maps or plats approved and adopted by the Board of Supervisors.
- e. "Hillside Grading" means grading in excess of that exempt from environmental review on a site for which a slope analysis shows:
1. Twenty-five (25) percent or more of the land's surface has a slope of twenty-five (25) percent or greater; and
 2. A height differential of 50 feet or more within any area having a slope of twenty-five (25) percent or greater.

Also, for the purposes of this policy, any grading in excess of that exempt from environmental review for a project which contains 400 or more acres shall be considered hillside grading when:

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1. It contains 100 or more acres (not necessarily contiguous) with slopes of twenty-five (25) percent or greater.
2. A height differential of 50 feet or more within any area having a slope of twenty-five percent or greater.
- f. "Extended Initial Study" means technical environmental documentation which may be distributed for public review (requiring additional copies of the material and fees to be provided by the applicant).
3. Applicability. These guidelines shall be used in evaluating all "Hillside Subdivisions" all "Hillside Grading" as defined herein and major use permits which require a grading permit meeting the definition of "Hillside Grading". This policy shall not be applied to grading for agricultural purposes as such grading is defined in Sections 87.201(f) and 87.209 of the County Code.
 - a. The Director of Planning or his designee may waive application of this policy if any of the following circumstances apply:
 1. An existing or proposed Open Space Easement is shown conforming substantially to the to that area of the project having slopes of twenty-five (25) percent or greater; or
 2. The applicant agrees to file an application reclassifying the area of the project having slopes of twenty-five (25) percent or greater to a use regulation (zone) which limits future uses of said land to open space or similar type uses as determined by the Director; or
 3. All proposed lots or parcels with slopes that would be subject to the Hillside Development Policy already contain structures (residential, commercial or industrial) that would establish a primary use of the site, and preclude further development at this time; or
 4. When an entire site is fully developed in agricultural uses which has eliminated natural vegetation, and not grading will take place; or,
 5. Upon determination of unique and unusual circumstances in accordance with a waiver request pursuant to (b) below. The fee for processing this waiver request shall be \$100.

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- b. Requests for waiver of the policy by the Director or for a determination that a project is exempt from the policy shall be processed as follows:
 1. One copy of the map or plot plan for the project shall be submitted to the Director or his designee together with sufficient supporting material to present the applicant's reasons for waiver of the policy.
 2. Within ten (10) working days the Director or his designee shall render a decision and notify the applicant by written notice.
 3. Upon receipt of a notice waiving application of the policy, the applicant may file the project with all applicable fees together with a copy of the notice waiving the policy.
 4. Upon receipt of a notice denying waiver of application of the policy on appeal may be filed with the appropriate appeal body in accordance with (d) below.
- c. The Director of Planning and Land Use or his designee shall determine whether this policy shall be applied to discretionary actions on other than "new" (filed after July 24, 1979) applications in accordance with the following:
 1. Time extension requests for tentative maps, tentative parcel maps and major use permits originally approved prior to July 24, 1979, shall be exempt from this policy.
 2. Revised or replacement tentative maps and tentative parcels maps, resolution amendments for tentative maps and modification of major use permits may be exempted from the policy if the Director determines the changes proposed will not substantially change the character of the grading approved under the initial application.
- d. Appeal of any decision of the Director of Planning as to applicability of this policy shall be treated as administrative appeals for cases first heard by the Planning and Environmental Review Board as provided in The Zoning Ordinance or as appeals from decisions of the Director for cases relating to tentative parcel maps as provided in the Subdivision Ordinance. Applicable appeal fees shall be submitted with each appeal.

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4. Supplemental Information. For purposes of analysis, every application for a tentative subdivision map, tentative parcel map, and grading permit which proposes a hillside subdivision or hillside grading permit, shall in addition to any other information required, be submitted with the following information (at a level of detail appropriate to the project being proposed):
 - a. A slope analysis, as defined here. (Not required if submitted with Resource Protection Study.)
 - b. A map or overlay showing the following information:
 1. Significant geologic features.
 2. Watercourses.
 3. Significant mature trees, groves and native vegetation.
 4. On-site vista points.
 - c. An Extended Initial Study submitted as part of the application for Environmental Initial Study to include:
 1. Preliminary soils and engineering geologic statement or report.
 2. Discussion of any special design criteria needed due to geologic hazards.
 3. Preliminary grading plan for building sites and on-site access roads. Any proposed borrow pits and/or spoil areas shall be shown.
 4. Preliminary landscape concept plan.
 5. Discussion of erosion control measures to be used.
 6. Discussion of the existing character of the site and surrounding area.
 7. Discussion of the visibility of the site from the surrounding area including designated scenic highways, regional parks, State and Federal lands, etc., that may have their visual quality affected by development of the property.

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8. Discussion of the earthwork to be accomplished and how that will change the character of the site. Alternative potential building sites, if any, should also be discussed.
9. Discussion of how on-site and off-site solar access may be affected.
10. Deposit set by the Board of Supervisors. (No separate deposit for the Hillside Extended Initial Study will be required if a deposit has already been paid for a Resource Protection Study.)

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

B/S Action

07/24/79 (78)

08/15/79 (15)

12/18/79 (122)

07/21/81 (4)

12/15/82 (45), operative 03/01/83

10/25/89 (5)

7/14/99 (4)

08-07-02 (5)

1. Department of Planning and Land Use
2. Department of Public Works